

REMARKS

Claims 1, 2, 10, 12, and 13 have been amended. Claim 9 has been canceled. Claims 1-8 10-20 are currently pending in the present application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

REJECTION OF CLAIMS UNDER 35 U.S.C. 102

Claims 1-8 and 14 are rejected under 35 U.S.C. 102(b) for the reasons set forth in paragraphs 1 and 2 of the Action on pages 2-4. Specifically, claims 1-8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (U.S. Pat. No. 4,421,398), which is hereinafter referred to as "Suzuki" or "the Suzuki reference."

The rejections under 35 U.S.C. 102(b) are respectfully traversed, at least insofar as applied to the amended claims, and reconsideration and reexamination of the application is respectfully requested for the reasons set forth herein below.

The Federal Circuit has ruled, "Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public." Akzo N.V. v. United States Int'l Trade Comm'n. 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). [emphasis added.]

Furthermore, the Federal Circuit has held, "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." W.L. Gore & Assocs. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). [emphasis added.]

Figures 3, 6 and 7, Column 2, lines 14-20, Column 4, lines 15-21, and Column 6, lines 47-60, of the Suzuki reference are cited as teaching the as claimed. However, it is respectfully submitted that the Suzuki reference fails to teach or suggest the lens structure as claimed.

Claim 1 has been amended to include the limitation originally set forth in claim 9, which has been cancelled. Specifically, the Suzuki reference fails to fairly teach or suggest inter alia the following claim limitations: "a filtering surface for producing a controlled amount of spherical aberration," as claimed in claim 1.

The dependent claims incorporate all the limitations of the independent claim. In this regard, the dependent claims 2-8 & 10-15 also add additional limitations, thereby making the dependent claims a fortiori and independently patentable over the cited references.

In view of the foregoing, it is respectfully submitted that the Suzuki reference fails to teach or suggest the lens structure as claimed. Accordingly, it is respectfully requested that the claim rejections under 35 U.S.C. section 102(b) be withdrawn.

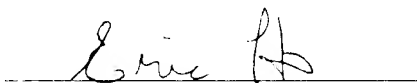
Allowed Claims

Applicant graciously acknowledges allowed claims 16-20 and objected to claims 9-13 and 15. Regarding amended claim 1, claim 1 has been amended to now recite the limitation previously recited in claim 9. However, details regarding the convex elements and concave elements have been moved to amended claim 2 since these details are not relied upon for patentably distinguishing over the cited prior art.

Conclusion

For all the reasons advanced above, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the pending claims are requested, and allowance is earnestly solicited at an early date. The Examiner is invited to telephone the undersigned if the Examiner has any suggestions, thoughts or comments, which might expedite the prosecution of this case.

Respectfully submitted,



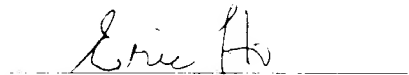
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September 20, 2003
(Date)